

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

OTIS BRIDGEFORTH,

Plaintiff,

-against-

1:08-CV-0779 (LEK/RFT)

COUNTY OF RENSSELAER, *et al.*,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on October 28, 2008 by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 14). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objection by Plaintiff, which was filed on November 5, 2008. Objection (Dkt. No. 16).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 14) is **APPROVED** and
ADOPTED in its **ENTIRETY**; and it is further

ORDERED, that Plaintiff's First, Third, Fourth, Fifth, and Sixth Causes of Action are
DISMISSED in their entirety; and it is further

ORDERED, that Plaintiff's Second Cause of Action alleging excessive force in violation of the Eighth Amendment shall go forward against the following Troy Defendants: (1) William Bowles, Former Police Officer; (2) K. Bottillo, Police Officer; (3) David Dean, Sergeant; (4) M. Furcinih, Police Officer; (5) Gabrial, Sergeant (6) J.K. Keeler, Police Officer; (7) Adam Mason, Police Officer; (8) James Molesky, Police Officer; and (9) Robert Nutall, Police Officer; and it is further

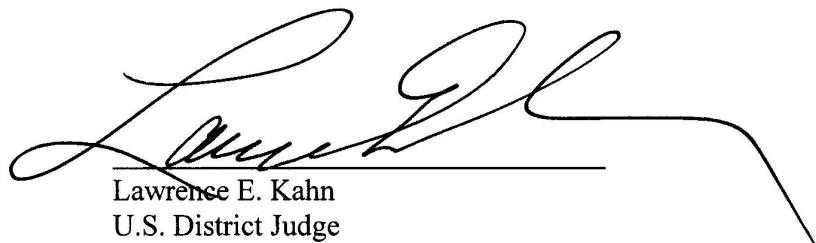
ORDERED, that all other Defendants are **DISMISSED** from this action; and it is further

ORDERED, that Defendants shall respond to Plaintiff's Motion for summary judgment (Dkt. No. 7) within forty-five days of being served with the Second Amended Complaint; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: December 08, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge